

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS, SYSTEMS, AND KITS FOR LUNG VOLUME REDUCTION** the specification of which _____ is attached hereto or **X** was filed on June 28, 2000 as Application No. 09/606,320 and was amended on _____ (if applicable).

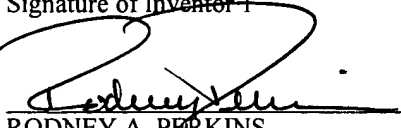


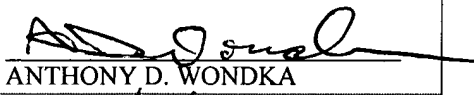
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/347,032	July 2, 1999	Pending

Full Name of Inventor 1:	Last Name: PERKINS	First Name: RODNEY	Middle Name or Initial: A.	
Residence & Citizenship:	City: Woodside	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 235 Mountain Wood Lane	City: Woodside	State/Country: California	Postal Code: 94062
Full Name of Inventor 2:	Last Name: SOLTESZ	First Name: PETER	Middle Name or Initial: P.	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 4972 Miramar Avenue	City: San Jose	State/Country: California	Postal Code: 95129
Full Name of Inventor 3:	Last Name: KOTMEL	First Name: ROBERT	Middle Name or Initial:	
Residence & Citizenship:	City: Burlingame	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 116 Bloomfield Road	City: Burlingame	State/Country: California	Postal Code: 94010
Full Name of Inventor 4:	Last Name: WONDKA	First Name: ANTHONY	Middle Name or Initial: D.	
Residence & Citizenship:	City: Mountain View	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 2700 Del Medio Court	City: Mountain View	State/Country: California	Postal Code: 94040

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  RODNEY A. PERKINS Date 9/1/00	Signature of Inventor 2  PETER P. SOLTESZ Date 09/01/00	Signature of Inventor 3  ROBERT KOTMEL Date 9/1/00
Signature of Inventor 4  ANTHONY D. WONDKA Date 9/1/00		



Attorney Docket No. 17534-000710

POWER OF ATTORNEY BY ASSIGNEE

PULMONx, INC., 1049 Elwell Court, Palo Alto, California 94303, is the Assignee of the invention entitled:

METHODS, SYSTEMS, AND KITS FOR LUNG VOLUME REDUCTION

The specification of which ____ is attached hereto or XX was filed on June 28, 2000 as Application No. 09/606,320.

The Assignment accompanying this Power of Attorney (or filed concurrently herewith under separate cover to the attention of the Assignment Branch) has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Reg. No.</u>	<u>Name</u>	<u>Reg. No.</u>
Aka, Gary T.	29,038	Heckadon, David R.	Granted Limited Recognition under 37 CFR §10.9(b)
Apple, Randolph T.	36,429		
Barrish, Mark D.	36,443	Heslin, James M.	29,541
Colwell, Robert C.	27,431	Liebeschuetz, Joe	37,505
Dow, Karen B.	29,684	Slone, David N.	28,572
Gibby, Darin J.	38,464	Smith, William M.	30,223
Hann, James F.	29,719	Wong, Craig P.	45,231
Haughey, Paul C.	31,836		

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San Francisco, CA 94111-3834

Direct Telephone Calls to:

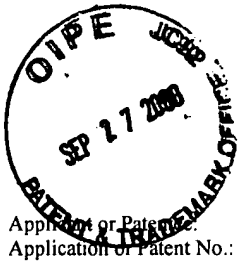
James M. Heslin, Esq.
Reg. No. 29,541
650/326-2400

Date: Sept. 1, 2000

PULMONx, INC.

By: Michael D. Kelly

Title: President & CEO

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERNApplicant or Patentee:
Application or Patent No.:
Filed or Issued:
Title:RODNEY A. PERKINS et al.
09/606,320
June 28, 2000
METHODS, SYSTEMS, AND KITS FOR LUNG VOLUME REDUCTION

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern:
Address of Small Business Concern:PULMONx
1049 Elwell Court
Palo Alto, CA 94303

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS, SYSTEMS, AND KITS FOR LUNG VOLUME REDUCTION by inventor(s) RODNEY A. PERKINS, PETER P. SOLTESZ, ROBERT KOTMEL, ANTHONY D. WONDKA described in:

- ☐ the specification filed herewith;
☒ Application No. 09/606,320, filed June 28, 2000;
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: ///
Address: _____☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:

Michael P. Reilly

Title of Person if Other than Owner:

President & CEO

Address of Person Signing:

1049 Elwell Court

Palo Alto, CA 94303

Signature

Date

Sept. 1, 2000

PA 3087953 v1